

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

**WARREN LEWIS,**  
Plaintiff,

v.

Civil Action No. **3:23CV585 (RCY)**

**UNKNOWN,**  
Defendant.


**MEMORANDUM OPINION**

Plaintiff, a federal prisoner proceeding *pro se*, submitted this action. In order to state a viable claim under *Bivens*,<sup>1</sup> a plaintiff must allege that a person acting under color of federal authority deprived him or her of a constitutional right or of a right conferred by a law of the United States. *See Williams v. Burgess*, No. 3:09cv115, 2010 WL 1957105, at \*2 (E.D. Va. May 13, 2010) (citing *Goldstein v. Moatz*, 364 F.3d 205, 210 n.8 (4th Cir. 2004)). Plaintiff's current allegations failed to provide each defendant with fair notice of the facts and legal basis upon which his or her liability rests. Accordingly, by Memorandum Order entered on March 11, 2024, the Court directed Plaintiff to submit a particularized complaint within thirty (30) days of the date of entry thereof. The Court warned Plaintiff that the failure to submit a particularized complaint would result in the dismissal of the action.

More than thirty (30) days have elapsed since the entry of the March 11, 2024 Memorandum Order and Plaintiff failed to submit a particularized complaint. Accordingly, the action will be DISMISSED WITHOUT PREJUDICE.

An appropriate Final Order will accompany this Memorandum Opinion.

Date: April 18, 2024  
Richmond, Virginia

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/s/   
Roderick C. Young  
United States District Judge

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<sup>1</sup> *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971).